

THIRTY-FIFTH DAY - FEBRUARY 28, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 28, 2006

PRAYER

The prayer was offered by Pastor Doyle Karst, St. John Lutheran Church, Sterling.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Thompson who was excused; and Senators Jensen, Landis, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bill was correctly engrossed: LB 1019.

ER9069

Enrollment and Review Change to LB 1019

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7163:
 - a. On page 79, the matter beginning with "5" in line 2 through "25" in line 3 has been struck and "6, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, and 23" inserted; in lines 9 and 23 "23-2319," has been struck; in lines 10 and 23 and 24 "84-1319, and 84-1321" has been struck and "and 84-1319" inserted; and
 - b. On page 80, line 1, "vesting," has been struck.

LEGISLATIVE BILL 663. Placed on Select File as amended.

(E & R amendment, AM7174, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 231. Indefinitely postponed.
LEGISLATIVE BILL 543. Indefinitely postponed.
LEGISLATIVE BILL 806. Indefinitely postponed.
LEGISLATIVE BILL 809. Indefinitely postponed.
LEGISLATIVE BILL 810. Indefinitely postponed.
LEGISLATIVE BILL 912. Indefinitely postponed.
LEGISLATIVE BILL 945. Indefinitely postponed.
LEGISLATIVE BILL 960. Indefinitely postponed.
LEGISLATIVE BILL 1027. Indefinitely postponed.
LEGISLATIVE BILL 1051. Indefinitely postponed.
LEGISLATIVE BILL 1064. Indefinitely postponed.
LEGISLATIVE BILL 1073. Indefinitely postponed.
LEGISLATIVE BILL 1130. Indefinitely postponed.
LEGISLATIVE BILL 1165. Indefinitely postponed.
LEGISLATIVE BILL 1166. Indefinitely postponed.
LEGISLATIVE BILL 1171. Indefinitely postponed.
LEGISLATIVE BILL 1255. Indefinitely postponed.

(Signed) David Landis, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 14. With Emergency.

A BILL FOR AN ACT relating to the State Natural Gas Regulation Act; to amend sections 66-1840 and 66-1841, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to assessments by the Public Service Commission; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Friend	Langemeier	Schimek
Baker	Cornett	Heidemann	Louden	Schrock
Beutler	Cudaback	Howard	McDonald	Smith
Bourne	Cunningham	Hudkins	Mines	Stuhr
Brown	Engel	Janssen	Pahls	Stuthman
Burling	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Byars	Fischer	Kopplin	Pederson, D.	Wehrbein
Chambers	Flood	Kremer	Price	
Combs	Foley	Kruse	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Brashear Preister

Excused and not voting, 4:

Jensen Landis Raikes Thompson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 173.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend sections 69-1301, 69-1305.02, 69-1308, and 69-1329, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to credit memos, gift certificates, gift cards, and general-use prepaid cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cornett	Heidemann	Louden	Schimek
Baker	Cudaback	Howard	McDonald	Smith
Beutler	Cunningham	Hudkins	Mines	Stuhr
Bourne	Engel	Janssen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Combs	Foley	Kruse	Price	
Connealy	Friend	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 3:

Brashear Chambers Schrock

Excused and not voting, 4:

Jensen Landis Raikes Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 776. With Emergency.

A BILL FOR AN ACT relating to solid waste management; to amend section 13-2039, Revised Statutes Cumulative Supplement, 2004; to change requirements relating to the disposal of yard waste; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Friend	Langemeier	Redfield
Baker	Cornett	Heidemann	Louden	Schimek
Beutler	Cudaback	Howard	McDonald	Schrock
Bourne	Cunningham	Hudkins	Mines	Smith
Brown	Engel	Janssen	Pahls	Stuhr
Burling	Erdman	Johnson	Pedersen, Dw.	Stuthman
Byars	Fischer	Kopplin	Pederson, D.	Synowiecki
Chambers	Flood	Kremer	Preister	Wehrbein
Combs	Foley	Kruse	Price	

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 4:

Jensen Landis Raikes Thompson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 778 with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 778.

A BILL FOR AN ACT relating to appraisers; to amend sections 13-403, 44-320, 72-224.03, 72-257, 76-706, 76-1907, 76-1908, 76-1909, 76-1910, 76-2201, 76-2202, 76-2203, 76-2204, 76-2205, 76-2205.01, 76-2206, 76-2207, 76-2208, 76-2209, 76-2210, 76-2210.01, 76-2210.02, 76-2211, 76-2211.01, 76-2211.02, 76-2212, 76-2213, 76-2214, 76-2215, 76-2216, 76-2217, 76-2217.01, 76-2218, 76-2218.01, 76-2219, 76-2220, 76-2222, 76-2223, 76-2224, 76-2225, 76-2226, 76-2227, 76-2228, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2239, 76-2241, 76-2242, 76-2243, 76-2245, 76-2246, 76-2247.01, 76-2248, 76-2249, 76-2250, and 77-2019, Reissue Revised Statutes of Nebraska, sections 2-1502, 2-5506, and 77-5004, Revised Statutes Cumulative Supplement, 2004, and sections 49-14, 103.01, 76-2221, and 77-1355, Revised Statutes Supplement, 2005; to rename the Real Estate Appraiser Act and a board; to change provisions relating to appraisals and real estate appraisers; to adopt national credentialing standards; to redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-2203.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Heidemann	Landis	Price
Baker	Cornett	Howard	Langemeier	Redfield
Beutler	Cudaback	Hudkins	Louden	Schimek
Bourne	Cunningham	Janssen	McDonald	Schrock
Brown	Engel	Jensen	Mines	Smith
Burling	Erdman	Johnson	Pahls	Stuhr
Byars	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Chambers	Flood	Kremer	Pederson, D.	Synowiecki
Combs	Friend	Kruse	Preister	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Brashear	Foley
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Excused and not voting, 2:

Raikes Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 818. With Emergency.

A BILL FOR AN ACT relating to solid waste; to amend section 13-2039, Revised Statutes Cumulative Supplement, 2004; to provide for the use of tires as safety barriers; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Friend	Kruse	Preister
Baker	Cornett	Heidemann	Landis	Price
Beutler	Cudaback	Howard	Langemeier	Redfield
Bourne	Cunningham	Hudkins	Louden	Schimek
Brown	Engel	Janssen	McDonald	Schrock
Burling	Erdman	Jensen	Mines	Stuhr
Byars	Fischer	Johnson	Pahls	Stuthman
Chambers	Flood	Kopplin	Pedersen, Dw.	Synowiecki
Combs	Foley	Kremer	Pederson, D.	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 3:

Brashear Raikes Thompson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 887 with 36 ayes, 3 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 887.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.14 and 77-2701.43, Reissue Revised Statutes of Nebraska, and sections 13-324, 77-2712.05, and 77-27,143, Revised Statutes Supplement, 2005; to change provisions relating to sales and use tax; to change provisions relating to the streamlined sales and use tax agreement; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Cornett	Howard	Louden	Schrock
Baker	Cudaback	Hudkins	McDonald	Smith
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 0.

Excused and not voting, 3:

Brashear	Raikes	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1003 with 36 ayes, 3 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1003. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 53-164.01, 53-165, 77-27,117, 77-27,191, and 77-5544, Reissue Revised Statutes of Nebraska, sections 13-203 and 66-489, Revised Statutes Cumulative Supplement, 2004, and sections 49-801.01, 77-2717, 77-27,187.01, 77-27,194, 77-5719, 77-5723, 77-5725, 77-5727, 77-5728, 77-5903, and 81-12,127, Revised Statutes Supplement, 2005; to change a provision relating to references to the Internal Revenue Code; to change provisions relating to alcohol tax reports; to change a tax exemption relating to motor fuels sold on Indian reservations; to change provisions relating to income tax provisions and tax incentive programs; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Aguilar	Cornett	Howard	Louden	Schrock
Baker	Cudaback	Hudkins	McDonald	Smith
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 0.

Excused and not voting, 3:

Brashear	Raikes	Thompson
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1007 with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1007. With Emergency.

A BILL FOR AN ACT relating to government regulation; to amend sections 28-1241, 57-501, 60-4,138, 60-4,145, 60-4,146, 60-4,163, 60-6,251, 60-6,284, 75-368, 75-369, 75-369.01, 75-369.02, and 75-369.03, Reissue Revised Statutes of Nebraska, section 28-1213, Revised Statutes Cumulative Supplement, 2004, and sections 60-462.01, 60-465, 60-1306, 75-363, and 75-364, Revised Statutes Supplement, 2005; to change provisions relating to explosives, fireworks, liquefied petroleum gas, motor vehicle operators' licenses, motor vehicle equipment requirements, carrier enforcement officers, and motor carriers; to define terms; to prohibit certain exculpatory clauses in motor carrier transportation contracts as prescribed; to eliminate certain motor carrier enforcement provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 75-381 and 75-382, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Aguilar	Cornett	Howard	Louden	Schrock
Baker	Cudaback	Hudkins	McDonald	Smith
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 0.

Excused and not voting, 3:

Brashear	Raikes	Thompson
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1111.

A BILL FOR AN ACT relating to the State Racing Commission; to amend section 2-1201, Revised Statutes Cumulative Supplement, 2004; to change

provisions relating to appointments to the commission as prescribed; to provide a duty for the Legislature; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Heidemann	Landis	Price
Baker	Cudaback	Howard	Langemeier	Redfield
Beutler	Cunningham	Hudkins	Louden	Schimek
Bourne	Engel	Janssen	McDonald	Schrock
Brown	Erdman	Jensen	Mines	Smith
Burling	Fischer	Johnson	Pahls	Stuhr
Byars	Flood	Kopplin	Pedersen, Dw.	Stuthman
Chambers	Foley	Kremer	Pederson, D.	Synowiecki
Combs	Friend	Kruse	Preister	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 3:

Brashear Raikes Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 2CA.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2(1) Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by

construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this ~~section~~ subsection shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this subsection shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue

shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 40:

Aguilar	Connealy	Heidemann	Kruse	Price
Baker	Cornett	Howard	Landis	Schimek
Beutler	Cudaback	Hudkins	Langemeier	Schrock
Bourne	Cunningham	Janssen	McDonald	Smith
Brown	Engel	Jensen	Mines	Stuhr
Burling	Fischer	Johnson	Pahls	Stuthman
Byars	Flood	Kopplin	Pederson, D.	Synowiecki
Combs	Friend	Kremer	Preister	Wehrbein

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Foley	Pedersen, Dw.
Erdman	Louden	Redfield

Excused and not voting, 3:

Brashear	Raikes	Thompson
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A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

MOTION - Return LB 875 to Select File

Senator Mines moved to return LB 875 to Select File for his specific pending amendment, AM2446, found on page 783.

The Mines motion to return prevailed with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 875. The Mines specific pending amendment, AM2446, found on page 783, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 875 to Select File

Senator Beutler moved to return LB 875 to Select File for the Beutler-Mines specific pending amendment, AM2291, found on page 796.

The Beutler motion to return prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 875. The Beutler-Mines specific pending amendment, AM2291, found on page 796, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

SPEAKER BRASHEAR PRESIDING**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 291 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 291.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 14, 173, 776, 778, 818, 887, 1003, 1007, 1111, and LR 2CA.

SENATOR CUDABACK PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 1115. The Standing Committee amendment, AM2038, printed separately and referred to on page 718 and considered on page 779, was considered.

Senator Cunningham withdrew his pending amendment, AM2405, found on page 764 and considered on page 779.

Senator Bourne renewed his pending amendment, AM2400, found on page 782, to the Standing Committee amendment.

The Bourne amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1116. Advanced to E & R for engrossment.

LEGISLATIVE BILL 196. E & R amendment, AM7166, printed separately and referred to on page 761, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 757. E & R amendment, AM7168, found on page 761, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 409. E & R amendment, AM7167, found on page 762, was adopted.

Senator Flood offered the following amendment:
AM2501

(Amendments to E & R amendments, AM7167)

- 1 1. On page 1, line 10, strike "guardian or".

The Flood amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 860. Advanced to E & R for engrossment.

LEGISLATIVE BILL 795. E & R amendment, AM7170, found on page 762, was adopted.

Senator Cunningham renewed his pending amendment, AM2395, found on page 761.

The Cunningham amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 787. E & R amendment, AM7173, found on page 763, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 792. E & R amendment, AM7171, found on page 763, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 819. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1066. Advanced to E & R for engrossment.

LEGISLATIVE BILL 833. Senator Byars offered the following amendment:
AM2507

- 1 1. Strike original section 2 and all amendments thereto
- 2 and insert the following new sections:
- 3 Section 1. Section 71-104.01, Revised Statutes
- 4 Supplement, 2005, is amended to read:
- 5 71-104.01 An applicant for an initial license to practice
- 6 a profession which is authorized to prescribe controlled substances
- 7 shall be subject to a criminal background check. The applicant
- 8 shall submit with the application a full set of fingerprints which
- 9 shall be forwarded to the Nebraska State Patrol to be submitted to
- 10 the Federal Bureau of Investigation for a national criminal history
- 11 record information check. The applicant shall authorize release of
- 12 the results of the national criminal history record information
- 13 check to the department. The applicant shall pay the actual cost
- 14 of the fingerprinting and criminal background check. This section
- 15 shall not apply to dentists who are applicants for temporary
- 16 practice rights under subdivision (5) of section 71-183.01 or to
- 17 physicians and surgeons who are applicants for temporary practice
- 18 rights under subdivision ~~(47)~~ (9) of section 71-1,103.
- 19 Sec. 3. Section 71-1,103, Revised Statutes Supplement,
- 20 2005, is amended to read:
- 21 71-1,103 The following classes of persons shall not be
- 22 construed to be engaged in the unauthorized practice of medicine:
- 23 (1) Persons rendering gratuitous services in cases of
- 1 emergency;
- 2 (2) Persons administering ordinary household remedies;
- 3 (3) The members of any church practicing its religious

tenets, except that they shall not prescribe or administer drugs or medicines, perform surgical or physical operations, nor assume the title of or hold themselves out to be physicians, ~~or surgeons~~, and such members shall not be exempt from the quarantine laws of this state;

(4) Students of medicine ~~and surgery~~ who are studying in an accredited school or college of medicine and who gratuitously prescribe for and treat disease under the supervision of a licensed physician;

(5) Physicians ~~and surgeons~~ of the United States Armed Forces or Public Health Service or United States Department of Veterans Affairs when acting in the line of such duty in this state;

(6) Physicians ~~and surgeons~~ who are ~~graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and~~ licensed in ~~another~~ in good standing to practice medicine under the laws of another state when incidentally called into this state or contacted via electronic or other medium for consultation with a physician and surgeon licensed in this state. For purposes of this subdivision, consultation means evaluating the medical data of the patient as provided by the treating physician and rendering a recommendation to such treating physician as to the method of treatment or analysis of the data. The interpretation of a radiological image by a physician who specializes in radiology is not a consultation;

(7) Physicians ~~and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and who reside in a state bordering this state and who are duly licensed under the laws thereof to practice medicine and surgery but who do not open an office or maintain or appoint a place to meet patients or to receive calls within this state unless they are performing services described in subdivision (7) of section 71-1,102~~ who are licensed in good standing to practice medicine in another state but who, from such other state, order diagnostic or therapeutic services on an irregular or occasional basis, to be provided to an individual in this state, if such physicians do not maintain and are not furnished for regular use within this state any office or other place for the rendering of professional services or the receipt of calls;

(8) Physicians who are licensed in good standing to practice medicine in another state and who, on an irregular and occasional basis, are granted temporary hospital privileges to practice medicine and surgery at a hospital or other medical facility licensed in this state;

(9) Physicians who are licensed in good standing to practice medicine in another state and who have been recommended by the secretary of the board of examiners in the state of licensure and granted temporary practice rights by the Board of Medicine and Surgery, with the approval of the department, for a period not to

26 exceed three months in any twelve-month period;

27 ~~(8)~~ (10) Persons providing or instructing as to use of
1 braces, prosthetic appliances, crutches, contact lenses, and other
2 lenses and devices prescribed by a ~~doctor of medicine~~ physician
3 licensed to practice medicine while working under the direction of
4 such physician;

5 ~~(9)~~ (11) Dentists practicing their profession when
6 licensed and practicing in accordance with sections 71-183 to
7 71-191;

8 ~~(10)~~ (12) Optometrists practicing their profession when
9 licensed and practicing under and in accordance with sections
10 71-1,133 to 71-1,136;

11 ~~(11)~~ (13) Osteopathic physicians practicing their
12 profession if licensed and practicing under and in accordance with
13 sections 71-1,137 and 71-1,141;

14 ~~(12)~~ (14) Chiropractors practicing their profession if
15 licensed and practicing under sections 71-177 to 71-182;

16 ~~(13)~~ (15) Podiatrists practicing their profession when
17 licensed and practicing under and in accordance with sections
18 71-173 to 71-176;

19 ~~(14)~~ (16) Psychologists practicing their profession when
20 licensed and practicing under and in accordance with sections
21 71-1,206.01 to 71-1,206.35;

22 ~~(15)~~ Advanced (17)(a) Until July 1, 2007, advanced
23 practice registered nurses and certified registered nurse
24 anesthetists practicing their professions and practicing under and
25 in accordance with the Advanced Practice Registered Nurse Act; and

26 (b) On and after July 1, 2007, advanced practice
27 registered nurses practicing in their clinical specialty areas when
1 licensed under the Advanced Practice Registered Nurse Licensure
2 Act and practicing under and in accordance with their respective
3 certification acts;

4 ~~(16)~~ Any person (18) Persons licensed or certified under
5 the laws of this state to practice a limited field of the
6 healing art, not specifically named in this section, when confining
7 themselves strictly to the field for which they are licensed
8 or certified, not assuming the title of physician, surgeon, or
9 physician and surgeon, and not professing or holding themselves out
10 as qualified to prescribe drugs in any form or to perform operative
11 surgery;

12 ~~(17) Physicians and surgeons who are duly licensed to~~
13 ~~practice medicine and surgery in another state who have been~~
14 ~~recommended by the secretary of the board of examiners in the~~
15 ~~state of licensure and who have been granted temporary practice~~
16 ~~rights by the Board of Medicine and Surgery, with the approval of~~
17 ~~the department, for a period not to exceed three months in any~~
18 ~~twelve month period;~~

19 ~~(18)~~ (19) Persons obtaining blood specimens while working
20 under an order of or protocols and procedures approved by a

- 21 physician, registered nurse, or other independent health care
22 practitioner licensed to practice by the state if the scope of
23 practice of that practitioner permits the practitioner to obtain
24 blood specimens; and
25 ~~(19) Any other trained person~~ (20) Other trained persons
26 employed by a licensed health care facility or health care service
27 defined in the Health Care Facility Licensure Act or clinical
1 laboratory certified pursuant to the federal Clinical Laboratories
2 Improvement Act of 1967, as amended, or Title XVIII or XIX of the
3 federal Social Security Act to withdraw human blood for scientific
4 or medical purposes.
5 Any person who has held or applied for a license to
6 practice medicine and surgery in this state, and such license
7 or application has been denied or such license has been refused
8 renewal or disciplined by order of limitation, suspension, or
9 revocation, shall be ineligible for the exceptions described in
10 subdivisions (5) through (9) of this section until such license or
11 application is granted or such license is renewed or reinstated.
12 Every act or practice falling within the practice of medicine and
13 surgery as defined in section 71-1,102 and not specially excepted
14 in this section shall constitute the practice of medicine and
15 surgery and may be performed in this state only by those licensed
16 by law to practice medicine in Nebraska.
17 2. On page 7, line 19, strike "section" and insert
18 "sections 71-104.01 and".
19 3. Renumber the remaining sections accordingly.

The Byars amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 789. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1008. Senator Chambers withdrew his pending amendment, FA487, found on page 756.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1008A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 823. Advanced to E & R for engrossment.

LEGISLATIVE BILL 921. E & R amendment, AM7172, found on page 763, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 941. Advanced to E & R for engrossment.

LEGISLATIVE BILL 771. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1067. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1178. Advanced to E & R for engrossment.

LEGISLATIVE BILL 815. E & R amendment, AM7169, found on page 763, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 647. E & R amendment, AM7049, found on page 786, First Session, 2005, was adopted.

Senator Brashear renewed his pending amendment, AM2460, printed separately and referred to on page 783.

The Brashear amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 32. E & R amendment, AM7140, found on page 472, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 508. Senator Schrock renewed his pending amendment, AM2244, printed separately and referred to on page 642.

The Schrock amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Schrock renewed his pending amendment, AM2468, found on page 796.

The Schrock amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 87. E & R amendment, AM7147, found on page 514, was adopted.

Senator Byars withdrew his pending amendment, AM2188, found on page 592.

Senator Byars renewed his pending amendment, AM2239, found on page 621.

The Byars amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:

FA516

Amendment to AM1812

P. 5, line 14 strike "claims of" show as stricken and insert "complaints regarding"; in line 15 strike "provision" and insert "providing"

The Chambers amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 87A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 75. E & R amendment, AM7151, found on page 544, was adopted.

Senator Chambers renewed his pending amendment, FA422, found on page 609.

Pending.

SPECIAL COMMITTEE REPORT **Executive Board**

LEGISLATIVE BILL 956. Placed on General File as amended.

Special Committee amendment to LB 956:

AM2479

- 1 1. Strike original section 11.
- 2 2. Renumber the remaining section accordingly.

(Signed) L. Patrick Engel, Chairperson

STANDING COMMITTEE REPORTS **Government, Military and Veterans Affairs**

LEGISLATIVE BILL 894. Placed on General File.

LEGISLATIVE BILL 1106. Placed on General File.

LEGISLATIVE BILL 1154. Placed on General File.

LEGISLATIVE BILL 1184. Placed on General File.

LEGISLATIVE BILL 940. Placed on General File as amended.
Standing Committee amendment to LB 940:
AM2411

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 32-716, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-716 (1) Any person, group, or association desiring
- 6 to form a new political party shall present to the Secretary of
- 7 State petitions containing signatures totaling not less than one
- 8 percent of the total votes cast for Governor at the most recent
- 9 general election for such office. The signatures of registered
- 10 voters on such petitions shall be so distributed as to include
- 11 registered voters totaling at least one percent of the votes cast
- 12 for Governor in the most recent gubernatorial election in each of
- 13 the three congressional districts in this state. Petition signers
- 14 and petition circulators shall conform to the requirements of
- 15 sections 32-629 and 32-630. The petitions shall be filed with the
- 16 Secretary of State no later than February 1 before any statewide
- 17 primary election for the new political party to be entitled to have
- 18 ballot position in the primary election of that year. If the new
- 19 political party desires to be established and have ballot position
- 20 for the general election and not in the primary election of that
- 21 year, the petitions shall be filed with the Secretary of State
- 22 on or before August 1 of that year. Prior to the circulation of
- 23 petitions to form a new political party, a sample copy of the
- 1 petitions shall be filed with the Secretary of State by the person,
- 2 group, or association seeking to establish the new party. The
- 3 sample petition shall be accompanied by the name and address of the
- 4 person or the names and addresses of the members of the group or
- 5 association sponsoring the petition to form a new political party.
- 6 (2) The petition shall conform to the requirements of
- 7 section 32-628. The Secretary of State shall prescribe the form
- 8 of the petition for the formation of a new political party. The
- 9 petition shall be addressed to and filed with the Secretary of
- 10 State and shall state its purpose and the name of the party to
- 11 be formed. Such name shall not be or include, but the name of
- 12 any political party then in existence or any word forming any
- 13 part of the name of any political party then in existence, and in
- 14 order to avoid confusion regarding party affiliation of a candidate
- 15 or registered voter, the name of the party to be formed shall
- 16 not include the word "independent" or "nonpartisan". shall not be
- 17 adopted. The petition shall contain a statement substantially as
- 18 follows:
- 19 We, the undersigned registered voters of the State
- 20 of Nebraska and the county of, being severally
- 21 qualified to sign this petition, respectfully request that the
- 22 above-named new political party be formed in the State of Nebraska,

23 and each for himself or herself says: I have personally signed
24 this petition on the date opposite my name; I am a registered
25 voter of the State of Nebraska and county of and
26 am qualified to sign this petition; and my date of birth and city,
27 village, or post office address and my street and number or voting
1 precinct are correctly written after my name.

2 Sec. 2. Section 32-1524, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-1524 (1) No judge or clerk of election or precinct
5 or district inspector shall do any electioneering ~~on election day~~
6 while acting as an election official.

7 (2) No person shall do any electioneering, circulate
8 petitions, or perform any action that involves solicitation ~~on~~
9 ~~election day~~ within any polling place, ~~or any building in which an~~
10 ~~election is being held,~~ designated for voters to cast ballots by
11 the election commissioner or county clerk pursuant to the Election
12 Act while the polling place or building is set up for voters to
13 cast ballots or within two hundred feet of any such polling place
14 or building. Any person violating this section shall be guilty of
15 a Class V misdemeanor.

16 Sec. 3. Section 49-1434, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 49-1434 (1) Principal ~~shall mean~~ means a person who
19 authorizes a lobbyist to lobby in behalf of that principal.

20 (2) Lobbyist ~~shall mean~~ means a person who is authorized
21 to lobby on behalf of a principal and ~~shall include~~ includes
22 an officer, agent, attorney, or employee of the principal whose
23 regular duties include lobbying.

24 (3) Principal or lobbyist ~~shall~~ does not include:

25 (a) A public official or employee of a branch of state
26 government, except the University of Nebraska, or an elected
27 official of a political subdivision who is acting in the course or
1 scope of his or her office or employment;

2 (b) Any publisher, owner, or working member of the press,
3 radio, or television while disseminating news or editorial comment
4 to the general public in the ordinary course of business;

5 (c) An employee of a principal or lobbyist whose duties
6 are confined to typing, filing, and other types of clerical office
7 work;

8 (d) Any person who limits his or her activities (i) to
9 appearances before legislative committees and who so advises the
10 committee at the time of his or her appearance whom he or she
11 represents or that he or she appears at the invitation of a named
12 member of the Legislature or at the direction of the Governor
13 or (ii) to writing letters or furnishing written material to
14 individual members of the Legislature or to the committees thereof;
15 ~~who furnishes to the Clerk of the Legislature a copy of such letter~~
16 ~~or written material for public inspection;~~

17 (e) Any individual who does not engage in lobbying for

another person as defined in section 49-1438; or

(f) An employee of a political subdivision whose regular employment duties do not ordinarily include lobbying activities as long as such employee is not additionally compensated for such lobbying activities, other than his or her regular salary, and is not reimbursed for any lobbying expenditures except his or her travel, lodging, and meal expenses and the meal expenses for members of the Legislature.

Sec. 4. The Secretary of State shall not be a member or officer of a committee as defined in section 49-1413 other than a committee formed for his or her own candidacy.

Sec. 5. (1) The Office of Homeland Security is created. The Governor shall appoint the Director of State Homeland Security.

(2) The purpose of the office is to ensure preparedness by the State of Nebraska in response to terrorist acts. The office shall coordinate efforts regarding domestic security issues with the United States Department of Homeland Security. The Director of State Homeland Security shall serve as the contact between the state and the United States Department of Homeland Security.

(3)(a) The Homeland Security Policy Group is created. The Director of State Homeland Security shall serve as chairperson of the policy group. The policy group is charged with assessing strategic alternatives and recommending broad courses of action for the development of comprehensive strategies. The Governor shall appoint other members of the policy group who shall serve at the will of the Governor. The Executive Board of the Legislative Council shall select one member of the Government, Military and Veterans Affairs Committee and one member of the Appropriations Committee of the Legislature to serve as ex officio nonvoting members of the policy group.

(b) The policy group shall report semiannually to the executive board regarding its activities and the developments in the coordination efforts between the Office of State Homeland Security and the United States Department of Homeland Security. The report shall identify federal funds sent to the state in support of its preparedness activities and indicate the use of federal funds received by the state for homeland security, including specific amounts allocated to any unit of state or local government and the use to which the unit shall apply the funds.

(c) The policy group shall not be subject to the Open Meetings Act or to sections 84-712 to 84-712.09.

Sec. 6. Original sections 32-716, 32-1524, and 49-1434, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 1236. Placed on General File as amended.

Standing Committee amendment to LB 1236:

AM2494

- 1 1. Strike the original sections and insert the following
- 2 new sections:

Section 1. Section 49-1434, Reissue Revised Statutes of Nebraska, is amended to read:

49-1434 (1) Principal ~~shall mean~~ means a person who authorizes a lobbyist to lobby in behalf of that principal.

(2) Lobbyist ~~shall mean~~ means a person who is authorized to lobby on behalf of a principal and ~~shall include~~ includes an officer, agent, attorney, or employee of the principal whose regular duties include lobbying.

(3) Principal or lobbyist ~~shall~~ does not include:

(a) A public official or employee of a branch of state government, except the University of Nebraska, or an elected official of a political subdivision who is acting in the course or scope of his or her office or employment;

(b) Any publisher, owner, or working member of the press, radio, or television while disseminating news or editorial comment to the general public in the ordinary course of business;

(c) An employee of a principal or lobbyist whose duties are confined to typing, filing, and other types of clerical office work;

(d) Any person who limits his or her activities (i) to appearances before legislative committees and who so advises the committee at the time of his or her appearance whom he or she represents or that he or she appears at the invitation of a named member of the Legislature or at the direction of the Governor or (ii) to writing letters or furnishing written material to individual members of the Legislature or to the committees thereof; ~~who furnishes to the Clerk of the Legislature a copy of such letter or written material for public inspection;~~

(e) Any individual who does not engage in lobbying for another person as defined in section 49-1438; or

(f) An employee of a political subdivision whose regular employment duties do not ordinarily include lobbying activities as long as such employee is not additionally compensated for such lobbying activities, other than his or her regular salary, and is not reimbursed for any lobbying expenditures except his or her travel, lodging, and meal expenses and the meal expenses for members of the Legislature.

Sec. 2. Original section 49-1434, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 1246. Placed on General File as amended. Standing Committee amendment to LB 1246: AM2408

1. Strike the original sections and insert the following new sections:

Section 1. Section 32-1524, Reissue Revised Statutes of Nebraska, is amended to read:

32-1524 (1) No judge or clerk of election or precinct or district inspector shall do any electioneering ~~on election day~~

- 7 while acting as an election official.
8 (2) No person shall do any electioneering, circulate
9 petitions, or perform any action that involves solicitation ~~on~~
10 ~~election day~~ within any polling place, ~~or any building in which an~~
11 ~~election is being held,~~ designated for voters to cast ballots by
12 the election commissioner or county clerk pursuant to the Election
13 Act while the polling place or building is set up for voters to
14 cast ballots or within two hundred feet of any such polling place
15 or building. Any person violating this section shall be guilty of
16 a Class V misdemeanor.
17 Sec. 2. Original section 32-1524, Reissue Revised
18 Statutes of Nebraska, is repealed.

(Signed) DiAnna R. Schimek, Chairperson

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

James Strand - Coordinating Commission for Postsecondary Education

VOTE: Aye: Senators Bourne, Byars, Howard, Kopplin, McDonald, Raikes, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ron Raikes, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Brian Tessman - State Personnel Board

VOTE: Aye: Senators Burling, Fischer, Mines, Schimek, Wehrbein. Nay: Senator Langemeier. Absent: Senators Brown, Pahls.

(Signed) DiAnna R. Schimek, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 28, 2006, at 10:35 a.m. were the following: LBs 14e, 173, 776e, 778, 818e, 887, 1003e, 1007e, and 1111.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on February 28, 2006, at 10:35 a.m. was the following: LR 2CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Senator Hudkins filed the following amendment to LB 1115:
AM2430

(Amendments to Standing Committee amendments, AM2038)

1. Insert the following new section:

Sec. 42. Section 84-915.01, Reissue Revised Statutes of Nebraska, is amended to read:

84-915.01 (1)(a) At the conclusion of a hearing, the official record of the proceedings of each contested case under the Administrative Procedure Act shall be maintained by the court reporter or, in the event a court reporter was not used, the hearing officer, pending the filing of an appeal to the district court or the expiration of the time allowed for an appeal.

(b) If an appeal is not taken, the court reporter shall forward the official record to the agency from which the administrative appeal was taken upon the expiration of the time allowed for an appeal.

(c) A court reporter may not release an official record prior to the filing of an appeal or the expiration of the time allowed for an appeal except upon the order of the hearing officer.

(4) (2) An agency shall maintain an official record of each contested case under the Administrative Procedure Act for at least four years following the date of the final order.

(2) (3) The agency record shall consist only of:

(a) Notices of all proceedings;

(b) Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the agency pertaining to the contested case;

(c) The record of the hearing before the agency, including all exhibits and evidence introduced during such hearing, a statement of matters officially noticed by the agency during the proceeding, and all proffers of proof and objections and rulings thereon; and

(d) The final order.

(3) (4) Except to the extent that the act or another statute provides otherwise, the agency record shall constitute the exclusive basis for agency action in contested cases under the act and for judicial review thereof.

2. Renumber the remaining sections accordingly and amend

14 the operative date and repealer sections so that the section added
15 by this amendment becomes operative three calendar months after
16 adjournment of this legislative session.

Senators Wehrbein and Stuthman filed the following amendment to LB 853:
AM2495

(Amendments to E & R amendments, AM7161)

- 1 1. Insert the following new section:
- 2 Sec. 15. Section 60-6,144, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-6,144 Use of a freeway and entry thereon by the
- 5 following shall be prohibited at all times except by permit from
- 6 the Department of Roads or from the local authority in the case of
- 7 freeways not under the jurisdiction of the department; ~~and the~~
- 8 ~~department or the appropriate local authority shall not issue such~~
- 9 ~~permit except in extreme emergency;~~
- 10 (1) Pedestrians except in areas specifically designated
- 11 for that purpose;
- 12 (2) Hitchhikers or walkers;
- 13 (3) Vehicles not self-propelled;
- 14 (4) Bicycles, motor-driven cycles, motor scooters not
- 15 having motors of more than ten horsepower, and electric personal
- 16 assistive mobility devices;
- 17 (5) Animals led, driven on the hoof, ridden, or drawing
- 18 a vehicle;
- 19 (6) Funeral processions;
- 20 (7) Parades or demonstrations;
- 21 (8) Vehicles, except emergency vehicles, unable to
- 22 maintain minimum speed as provided in the Nebraska Rules of the
- 1 Road;
- 2 (9) Construction equipment;
- 3 (10) Implements of husbandry, whether self-propelled or
- 4 towed;
- 5 (11) Vehicles with improperly secured attachments or
- 6 loads;
- 7 (12) Vehicles in tow, when the connection consists of
- 8 a chain, rope, or cable, except disabled vehicles which shall be
- 9 removed from such freeway at the nearest interchange;
- 10 (13) Vehicles with deflated pneumatic, metal, or solid
- 11 tires or continuous metal treads except maintenance vehicles;
- 12 (14) Any person standing on or near a roadway for the
- 13 purpose of soliciting or selling to an occupant of any vehicle; or
- 14 (15) Overdimensional vehicles.
- 15 2. On page 19, line 7, strike "19" and insert "20"; and
- 16 in line 12 after "60-4,139," insert "60-6,144,".
- 17 3. Renumber the remaining sections and correct internal
- 18 references accordingly.

Senator Friend filed the following amendment to LB 1175:
AM2517

(Amendments to Standing Committee amendments, AM2193)

1 1. On page 8, lines 11 through 18, strike the new matter
2 and insert "Any mutual finance organization making application
3 pursuant to this section shall include with the application
4 additional financial information regarding the manner in which
5 any funds received by the mutual finance organization based upon
6 the prior year's application pursuant to the act have been expended
7 or distributed by that mutual finance organization. The State
8 Treasurer shall provide copies of such reports on mutual finance
9 organization expenditures and distributions to the Clerk of the
10 Legislature by December 1 of each year in which any reports are
11 filed."; and in line 27 strike "Funds", show as stricken, and
12 insert "Except as provided in subsection (4) of this section,
13 funds".

14 2. On page 9, after line 7 insert the following new
15 subsection:

16 "(4) No funds shall be disbursed to an eligible mutual
17 finance organization until it has provided to the State Treasurer
18 the financial information regarding the manner in which it has
19 expended or distributed prior disbursements made pursuant to the
20 act as provided in subsection (2) of this section.".

Senator Foley filed the following amendment to LB 275:
AM2486

1 1. On page 16, lines 8 and 9; page 18, lines 11 and 12;
2 and page 19, lines 3 and 4, strike "Only one motor vehicle owned by
3 the applicant shall be so licensed at any one time." and show as
4 stricken.

5 2. On page 16, strike beginning with "Only" in line 26
6 through line 27 and show as stricken.

7 3. On page 17, strike beginning with "Only" in line 18
8 through line 19 and show as stricken.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 953A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 953, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 1069A. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1069, Ninety-ninth

Legislature, Second Session, 2006; and to reduce appropriations.

RESOLUTION

LEGISLATIVE RESOLUTION 295. Introduced by Johnson, 37.

WHEREAS, Cory Hanson, an esteemed resident of Kearney, and a student of Kearney High School, has achieved national recognition for exemplary volunteer service by receiving a 2006 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving communities; and

WHEREAS, Cory Hanson earned this award by giving generously of his time and energy by launching a program to encourage high school students across Nebraska to get involved in mentoring younger students and by organizing a number of specific activities to expose children to positive role models; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of the American society depends, in great measure, upon the dedication of young people like Cory Hanson who use their considerable talents and resources to serve others.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates Cory Hanson on being a recipient of a Prudential Spirit of Community Award and for his volunteer service, peer leadership, and community spirit and extends best wishes for his continued success.

2. That a copy of this resolution be sent to Cory Hanson.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add her name as cointroducer to LBs 173 and 1116. No objections. So ordered.

Senator Smith asked unanimous consent to add his name as cointroducer to LB 995. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Aguilar, the Legislature adjourned until 9:00 a.m., Wednesday, March 1, 2006.

Patrick J. O'Donnell
Clerk of the Legislature